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Letter dated 12 July 2010 from the Chairman of the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 11 of Security Council resolution 1916 (2010), I have the honour to transmit herewith the report of the United Nations Resident and Humanitarian Coordinator for Somalia on the implementation of paragraphs 4 and 5 of the latter resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see annex).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Claude **Heller**
Chairman
Security Council Committee established pursuant
to resolutions 751 (1992) and 1907 (2009)
concerning Somalia and Eritrea

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Annex

Letter dated 10 July 2010 from the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator addressed to the Chairman of the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

In accordance with paragraph 11 of Security Council resolution 1916 (2010), I have the honour to transmit the report of the United Nations Humanitarian Coordinator for Somalia (see enclosure).

In response to the request from the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, during its mission to Nairobi on 27 April 2010, the humanitarian community working in Somalia defined an "implementing partner", as mentioned in paragraph 5 of Security Council resolution 1916 (2010), as follows:

> "Implementing partner", a non-governmental organization or community-based organization that has undergone due diligence to establish its bona fides by a United Nations agency or another non-governmental organization, and that reports when requested to the Resident and Humanitarian Coordinator for Somalia on mitigation measures. Implementing partners have the following characteristics:
>
> (a) The organization is part of the consolidated appeals process for Somalia (or the common humanitarian fund process);
>
> (b) The organization is represented in a cluster's 3W matrix (*Who does What and Where*).

I would appreciate it if this letter, together with its attachment, could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) John **Holmes**
Under-Secretary-General for Humanitarian Affairs
and Emergency Relief Coordinator

Enclosure

Report of the United Nations Resident and Humanitarian Coordinator for Somalia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1916 (2010). Paragraph 11 of that resolution requests the Resident and Humanitarian Coordinator for Somalia to report to the Security Council every 120 days on the implementation of paragraphs 4 and 5 of the resolution and on any impediments to the delivery of humanitarian assistance in Somalia, and requests the United Nations agencies and organizations having observer status with the General Assembly that provide humanitarian assistance to support the Coordinator in this regard.

2. The present, first report covers the period from March 2010 to July 2010. The report focuses mainly on the regions of Somalia under the control of Al Shabaab, which was listed, pursuant to paragraph 8 of Security Council resolution 1844 (2008), by the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, on 12 April 2010.

3. The report outlines how the humanitarian community operates in Somalia and the role of the Coordinator; the humanitarian situation; impediments to humanitarian aid delivery; and mitigation measures in place to address politicization, misuse and misappropriation.

4. The volatile political and military context in Somalia makes the delivery of humanitarian assistance challenging, but not impossible. To varying degrees, all regions of Somalia require humanitarian action; however, the epicentre of the humanitarian crisis is in central and southern Somalia where humanitarian needs exceed the humanitarian community's current ability to deliver. The humanitarian imperative to assist those in need means that the humanitarian community in Somalia must try to continue to operate even under the most adverse conditions.

5. Under these circumstances, the Coordinator seeks to ensure that there is a level of monitoring that is realistic, rooted in the principle of due diligence, and reflects a standard that is as reasonable and effective as it can be in this context.

II. The humanitarian system

6. At the global level, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator is responsible for oversight of all emergencies requiring United Nations humanitarian action. The global Inter-Agency Standing Committee represents the highest humanitarian policy body, and comprises major humanitarian non-governmental organizations, humanitarian United Nations and international agencies, and standing invitees such as the International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies. The Inter-Agency Standing Committee is chaired by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. In a country affected by a disaster or conflict, the Emergency Relief Coordinator appoints a Humanitarian Coordinator.

7. The Coordinator is responsible for leading and coordinating humanitarian assistance with a view to ensuring that it is principled, timely, effective and efficient. The overall objective of humanitarian assistance is to alleviate human suffering and protect lives, livelihoods and the dignity of populations in need. The Coordinator's role is to build consensus among all relevant organizations involved in humanitarian action, and to actively facilitate cooperation among them, while recognizing that many organizations have specific mandates and will operate independently.

8. In undertaking humanitarian action, the Coordinator and the humanitarian community are guided by international humanitarian law, by human rights law and by internationally accepted humanitarian principles. These principles call for assistance to be delivered by independent and neutral humanitarian organizations that are motivated by the principle of humanity and deliver in an impartial manner.

III. Constraints on humanitarian access and their operational implications

9. Somalia continues to experience a protracted and complex emergency, exacerbated by a fragile central government that does not control most of the country and is in conflict with various insurgent groups vying for power. Armed conflict involving State and non-State armed actors has resulted in loss of life, frequent and continued displacement, the spread of disease, loss of livelihoods, food insecurity and one of the highest malnutrition rates in the world, with around 240,000 malnourished children under 5 years of age, of whom 63,000 are acutely malnourished. Overall it is estimated that 1 in 6 Somali children are malnourished; while in the southern and central regions the ratio is 1 in 5.

10. Currently, an estimated 3.2 million people, or 43 per cent of the country's population, depend on humanitarian assistance. This includes 1.4 million internally displaced persons, of whom 655,000 require the greatest levels of humanitarian assistance. Most internally displaced persons currently reside in the Afgooye Corridor, one of the largest concentrations of internally displaced persons in the world, with approximately 366,000 internally displaced persons. Since March 2010, the exposure of civilians to hostilities has resulted in the displacement of over 64,000 people of whom roughly 42,000 have fled Mogadishu for other parts of Somalia.

11. Humanitarian operations are continually affected by the conduct of both State and non-State armed actors. The implications of their actions on humanitarian operations are manifested by uneven and constantly fluctuating access for humanitarian actors to populations in need. In northern Somalia where local governments exist, the humanitarian operations of the United Nations and non-governmental organizations remain generally unimpeded, although operating under their respective security protocols. Access to populations in central Somalia constantly varies owing to frequent fighting, with territory often changing hands between various groups. In southern Somalia where non-State armed groups are in control of nearly all of the territory, fighting is localized, brief and sporadic; nevertheless, access remains limited owing to the low acceptance of humanitarian aid and actors on the part of some local armed groups. In Mogadishu, fighting is nearly continuous and intense. In the last four months, two of the main hospitals in

Mogadishu admitted over 1,384 war casualties of whom 328 were children under 5 years of age. Access in Mogadishu is possible at times but difficult because of insecurity, threats and changes of control of different areas of the city.

12. During the reporting period, non-State armed actors were responsible for 13 incidents against United Nations and non-governmental organizations' assets and facilities. In March and April 2010, two United Nations compounds and warehouses storing non-food items, in the Bu'aale and Waajid districts of southern Somalia, were occupied and looted. Implementing partners reported that their compounds had fared no better, with 11 compounds having been looted or occupied, or their staff having been ordered to cease humanitarian operations. In many instances, national staff were intimidated and sometimes arrested and ordered to stop working for their organizations.

13. The humanitarian community reported that non-State armed actors, on at least nine occasions, demanded that staff of the United Nations and non-governmental organizations must register and pay taxes. On one occasion a non-State armed actor imposed the requirement on a humanitarian organization that it rent commercial space in order for it to be permitted to operate. Humanitarian actors reported significant delays in the delivery of humanitarian assistance until conditions to be able to operate in accordance with humanitarian principles could be established. Where non-State armed actors have categorically dismissed the operational requirements of humanitarian actors, this has eventually led to the suspension of humanitarian programmes.

14. Despite these difficulties, the ability to continue assistance, as well as retain a rapid response capacity in situations of acute humanitarian need, has been maintained because of a deliberate change in operational practices by humanitarian actors. Whereas in the past the international staff of both the United Nations and non-governmental organizations were permanently based in Somalia, their departure because of security risks has meant that the main responsibility for humanitarian operations rests with national staff and national implementing partners on the ground. This comes at a price. Limited presence of international personnel restricts the scale and scope of humanitarian programming and results in considerable transfer of security risks to the national personnel of United Nations agencies and of international and national non-governmental organizations.

15. Finally, a lack of centralized command structures among non-State armed actors is a further impediment to broad-based humanitarian access. Decision-making generally is left to local commanders, meaning that humanitarian access varies district by district and region by region.

16. Still, in this very difficult environment, humanitarian programming continues. While it has not been possible to meet the thresholds of international humanitarian assistance standards in all respects, the humanitarian community has been able to make some progress and achieve significant humanitarian impact. A mid-year review process showed a positive impact of programmes on indicators such as immunization coverage, access and quality of nutrition services for severely malnourished children, and school enrolment rates, particularly among internally displaced populations. Since the beginning of 2010, in regions accessible to the United Nations and implementing partners, nearly 1.5 million children under age 5 and 1.3 million women of childbearing age were reached during child health days campaigns, providing them with an essential package of health and nutrition

services including measles and polio immunization. In some areas where these campaigns were conducted, vaccination coverage increased from 30 per cent to over 70 per cent. The health sector has placed emphasis on emergency health care for civilian casualties of the conflict, particularly in Mogadishu and through the establishment of a field hospital in Bu'aale.

IV. Risk mitigation measures

17. Security Council resolution 1916 (2010) calls on Member States and the United Nations to take all feasible steps to mitigate politicization, misuse and misappropriation of humanitarian assistance by armed groups and requests the Coordinator to report every 120 days on such implementation measures.

18. The United Nations country team for Somalia had already developed risk mitigation measures as a result of working in a high-risk environment for many years. In the light of new risks identified, and because of the reduction of United Nations staff presence in Somalia, in May 2009 the country team initiated an inter-agency risk assessment exercise to determine operational risks and develop recommendations for their mitigation. The country team adopted the recommendations and committed to incorporating risk management principles and methodology in its operations. The country team created a risk management committee and appointed a risk manager to enable the identification of an Enterprise Risk Management strategic process.

19. The country team prioritized the development of a contractor database, which will provide a mechanism to record and share information on service providers and contractors and facilitate inter-agency consultations. It will also enable the tracking of existing contracts and provide a first stage performance assessment and a due diligence process. The database is currently in the testing of functionality phase.

20. The difficult operating environment in Somalia, coupled with a very limited pool of contractors, results in contracting arrangements with a small group of influential contractors. These contractors are able to pass across different clan territories and interact with non-State armed actors, and arrange end-to-end delivery of goods, including ensuring the security of the goods. Such contractual arrangements, however, carry with them significant security risks, which is why due diligence procedures are understood to be essential. To mitigate these risks, database user security protocols are included in the design, development and management of the contractor database, as well as within the review of the due diligence process.

21. Currently, the risk manager is developing operational risk categories to improve the understanding of the risk environment in Somalia and to enhance reporting. Additionally, risk management tools such as an organizational risk matrix assessment and an information grading process, to determine the validity and reliability of information, are being created.

22. The Inter-Agency Standing Committee for Somalia has long recognized the challenges involved in providing humanitarian assistance in areas under the control of non-State armed actors. As a result, three inter-agency frameworks have been agreed, two of which provide guidance on the management of field operations and establish common ground rules on how to interact with non-State armed actors, in accordance with humanitarian principles. The third framework, built on the earlier

two, refined the approach leading to more rigorous criteria for interaction with non-State armed actors.

23. United Nations and non-governmental organization humanitarian actors employ various strategies to mitigate the potential politicization of humanitarian aid or funds by armed groups. Published mandates, mission and vision statements, and "code of conduct" documents identify the individual organizations as non-political entities operating for the sole purpose of alleviating human suffering in an impartial manner. Such widespread public communication has contributed to reducing the risk of politicizing humanitarian aid. Additionally, organizations work directly with affected populations, and by using community elders to help identify community needs, are able to mitigate possible political or military interference. A few organizations also use the Inter-Agency Standing Committee framework documents to explain to non-State actors why an organization cannot make any payments to work in an area, and why withdrawal and suspension of humanitarian operations would be necessary should payment continue to be demanded.

24. To mitigate against the misuse of humanitarian aid, organizations also implement measures such as community-based participatory assessments and the use of monitors who are separate and independent from each other. Monitoring involves the triangulation of information to verify that the intended population has received the expected humanitarian assistance. Monitoring also evaluates the strengths and weaknesses of a particular distribution or service. Such a monitoring mechanism is particularly critical in regions where organizations have limited or no access. Community-based participatory assessments ensure the proper targeting of beneficiaries. An additional measure that is used in humanitarian sectors such as nutrition, health, water, sanitation and hygiene is "results monitoring". This methodology confirms the impact a particular action has had on an affected population. Should the impact be negligible or negative, this allows organizations to adjust aid and service delivery procedures.

25. Financial transactions can be vulnerable to misuse of resources. Therefore, monitoring and auditing from headquarters, in addition to that of country or field offices, is common practice. Strong relationships between the United Nations and non-governmental organizations and their respective local implementing partners are critical. Implementing partners are selected because of their capacity and technical skills. Some organizations pre-screen prospective implementing partners against the Consolidated List. Finally, organizations employ various public information strategies to inform the beneficiary population of their rights and entitlements under specific humanitarian programmes. Such transparency helps prevent misuse of humanitarian aid.

26. Implementing partners report that misappropriation mitigation measures include long-standing relationships and trust with communities they work with, coupled with the monitoring of projects and rigorous donor reporting requirements. Clear financial audit and reporting instructions to implementing partners are important to mitigate misappropriation. Cross-verification measures with community elders and the use of visual images and radio broadcasts assist in mitigating possible misappropriation of humanitarian aid.

27. The numerous mitigation measures and strategies either in place or under development recognize that politicization, misuse and misappropriation are serious concerns that warrant time and energy to address them. This is not to suggest that

the mitigation regime is able to counter every possible permutation of these risks. However, the humanitarian community has recognized that in order to preserve humanitarian operations, each organization must institute and continually improve their mitigation measures. The humanitarian community working in Somalia is committed to ensuring that humanitarian programmes have the necessary impact on the lives of the affected populations and are credible to the donors.

V. The impact of resolution 1916 (2010)

28. Owing to the recent introduction of the resolution, it has not yet been possible to ascertain a direct impact of the resolution on humanitarian programming. Although there is no direct link, the resolution was adopted at a time when a number of Member States designated Al Shabaab as a terrorist organization, and concomitantly either suspended or restricted funding to Somalia pending the drafting of procedures to facilitate humanitarian funding. According to the Financial Tracking Service of the Office for the Coordination of Humanitarian Affairs, new funding (not counting carry-over from 2009) for the consolidated appeals process has reached only $160 million, which is 40 per cent less than the amount of new funding received at the same time last year.

29. The humanitarian community continues to battle a substantial decline in funding. This decline has significantly affected the community's ability to continue and maintain programming proportionate to humanitarian needs. While the Security Council designation applied only to Al Shabaab and areas under its control, the overall decline in funding has had a broader impact on humanitarian interventions in Somalia. Funding to areas not controlled by Al Shabaab has partly resumed, although the more complex approval process and reporting requirements resulted in delays in providing emergency humanitarian assistance.

30. The humanitarian community working in Somalia has raised two wider concerns with regard to the consequences of these humanitarian operations. First, the belief that humanitarian operations are being conducted in accordance with humanitarian principles, which is essential in a politically and militarily charged environment, is being eroded. This is especially the case for the principles of neutrality and impartiality; the confidence in the neutrality of humanitarian actors has declined owing to perceptions by the Somali population that humanitarian priorities are being overtaken by political considerations; and confidence in impartiality of humanitarian action has waned because populations where humanitarian aid can be delivered are selected not only according to their needs, but also on the basis of who controls the territory they live in. Second, there is the perception among affected populations that they are being treated unfairly for reasons they do not understand. This perception has affected the working relationships and trust between the humanitarian organizations and the affected populations.

VI. Conclusion

31. During the reporting period, humanitarian access and the ability to reach populations in need were restricted but not impossible. Localized decision-making by non-State actors allowed humanitarian interventions in much of central and

southern Somalia, though not systematically or continuously, thus limiting the kinds of interventions possible. A flexible approach and the continued support of national non-governmental organizations have nevertheless allowed humanitarian assistance to reach millions of people in need.

32. Mitigation measures to address politicization, misuse and misappropriation of humanitarian assistance are in place, and additional measures are continually being developed to respond to the changing and complex environment in Somalia. The measures in place help to ensure that humanitarian action is conducted in accordance with humanitarian principles, is used legitimately for its intended purpose, and helps to fulfil the entitlements of civilian populations under international humanitarian law. Mitigation measures, out of necessity, are dynamic and must respond to the changing context and conditions in Somalia. The challenge for the humanitarian community is to ensure the continuous development of appropriate methodologies, distribution mechanisms and monitoring systems that maintain appropriate and timely levels of humanitarian assistance, while meeting more rigorous reporting requirements.